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July 23, 2008

BY FAX

Honorable John G. Koeltl
United States District Judge
United States Courthouse
Southern District of New York
500 Pearl Street, Room 1030
New York, New York 10007

*Application granted.
The parties should submit a
revised scheduling order by
August 1, 2008.*

Re: John Tribble v. City of New York, et al.
07 CV 8664 (JGK) (DCF)

So ordered.

JGK/Koeltl

7/23/08 U.S.D.S.

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to this matter. I write to respectfully request an extension of fact discovery in this matter from August 8, 2008, until October 8, 2008. Plaintiff's counsel consents to this request.

By scheduling Order dated March 4, 2008, the Court set the deadline for the completion of all discovery at August 8, 2008. However, soon after the Court's March 4th Order, the undersigned began preparing for a trial before the Honorable Laura Taylor Swain that was rescheduled several times before finally taking place in mid-May. Obligations related to the trial delayed the progress of discovery in this matter and the identification of the correct defendant officers.


With respect to discovery, the parties have exchanged discovery demands and noticed the depositions of the parties. In addition, defendants have also served plaintiff with a second set of discovery demands on July 15, 2008, and await plaintiff's responses. Plaintiff is scheduled to inspect the location of the purported incident on July 24, 2008. The parties have also begun the process of negotiating settlement of this matter. An enlargement of time will permit the parties to explore settlement more fully and determine whether trial of this matter may be avoided.

There still remains substantial discovery to complete. Plaintiff must serve the individual defendants with the amended complaint that was filed on July 1, 2008, and all party depositions must be taken. Further, the undersigned will be on vacation beginning July 28, 2008, and is getting married at the end of August. Thus, the parties will be unable to complete discovery by the August 8, 2008 deadline.

No previous request for an enlargement of time to complete discovery has been made by either party. In light of the foregoing, defendants respectfully request an enlargement of time to complete fact discovery in this matter from August 8, 2008, until October 8, 2008.

Thank you for your consideration of this request.

Respectfully submitted,



Gabriel P. Harvis (GH2772)
Assistant Corporation Counsel

cc: Andrew Stoll, Esq.